

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

JEFFERY EARLE LASSITER,)	
)	
Plaintiff,)	
)	
v.)	Case No. CIV-23-00621-JD
)	
CITY OF OKLAHOMA CITY, a)	
political subdivision of the State of)	
Oklahoma,)	
)	
Defendant.)	

ORDER

Before the Court is the Motion to Dismiss filed by Defendants City of Oklahoma City and Oklahoma City Police Department (“Motion”). [Doc. No. 10]. The Motion seeks to dismiss Plaintiff’s claims against Defendant Oklahoma City Police Department in Plaintiff’s Complaint [Doc. No. 1].

In response to the Motion and following the parties’ conference [*see* Doc. No. 12], Plaintiff filed a First Amended Complaint [Doc. No. 13] under Federal Rule of Civil Procedure 15(a)(2), which eliminates Oklahoma City Police Department as a defendant. Plaintiff’s amendment “supersedes the original [complaint] and renders it of no legal effect.” *Davis v. TXO Prod. Corp.*, 929 F.2d 1515, 1517 (10th Cir. 1991); *see Predator Int’l, Inc. v. Gamo Outdoor USA, Inc.*, 793 F.3d 1177, 1180–81 (10th Cir. 2015); *Mink v. Suthers*, 482 F.3d 1244, 1254 (10th Cir. 2007). Thus, the Motion is now moot.

IT IS THEREFORE ORDERED that the Motion to Dismiss [Doc. No. 10] is DENIED as moot and without prejudice.

IT IS SO ORDERED this 23rd day of February 2024.

A handwritten signature in black ink, appearing to read "Jodi W. Dishman", is written over a horizontal line.

JODI W. DISHMAN
UNITED STATES DISTRICT JUDGE